

Exhibit B

DAVID S. PREMINGER
ROSEN PREMINGER & BLOOM LLP
708 Third Avenue, Suite 1600
NEW YORK, NEW YORK 10017
(212) 682-1900

EMPLOYMENT

Rosen Preminger & Bloom LLP (and predecessor firms), Partner: 1983 -present

Civil Litigation - emphasis on plaintiffs' employee benefits litigation, also litigation in the areas of employment discrimination, real estate, anti-trust, copyright, trusts and estates and general corporate and commercial

Braverman & Rosen (predecessor to Rosen Preminger & Bloom),
Associate: 1980 - 1983

Same as above

United States Equal Employment Opportunity Commission, New York District Office,
Supervisory Trial Attorney: 1979 - 1980

Supervised and participated in litigation of employment discrimination cases
(Title VII, ADEA and Equal Pay Act) throughout the Northeast

Legal Services for the Elderly Poor, Senior Attorney: 1974 - 1979

Litigated and provided assistance and training to other legal service attorneys
throughout the country in litigating employee benefit and Social Security cases

Brooklyn Legal Services, Corp. B., Reginald Heber Smith Fellow:
1972 - 1974

Litigated cases in areas of employee benefits, Social Security, landlord-tenant,
domestic relations, juvenile delinquency and public assistance

REPRESENTATIVE CASES

Among the pension cases I have litigated either as sole counsel or co-counsel, are: *Banyai v. Mazur*, 00 CV 9806 (SHS) (S.D.N.Y.) (class action alleging improper termination of death benefit plan and misappropriation of \$77.5 million by sponsoring union; \$40+ million settlement approved 3/27/07); *Williams v. American Mortgage Holdings, Inc.*, 04-CV-5299 (JS) (ARL) (E.D.N.Y.) (class action alleging that employer had failed to provide promised benefits; \$2.4 million settlement approved 3/16/07); *Slupinski v. First UNUM Life Insurance Company*, 99 CV 0616 (TPG) (S.D.N.Y.) (Long term disability benefits terminated; full 10 years of retroactive benefits and prospective benefits ordered by Court 8/4/06); *Nager v. Teachers' Retirement System of the City of New York*, Index 102377/97 (Sup. Ct. N.Y. Co.) (Trustees are alleged to

have misinvested participants' contributions; class certified 1999; two week bench trial concluded 9/22/05; on appeal); *Banyai v. Mazur*, 00 CV 9806 (SHS) (S.D.N.Y.) (plan sponsor terminated death benefit fund, paid itself \$77.5 million of alleged surplus, and established new plan with identical terms; class certified 205 F.R.D. 160 (S.D.N.Y. 2000); preliminary approval of partial settlement granted; final hearing scheduled for December 14, 2005); *Nager v. TRS*, Index No. 119294/02 (Sup. Ct. N.Y. Co.) (New York City Teachers' Retirement System failed to include certain pay in the calculation of pension benefits; class certified 1/20/04); *Kale v. Boeing Corporation*, 01 CV 7159 and 03 Civ 5048 (GBD) (S.D.N.Y.) (class action alleging improper use of trust fund assets by plan sponsor; \$40 million settlement approved by Judge Daniels on 11/20/03); *Hartline v. Sheet Metal Workers' National Pension Fund et al.*, No. 98-CV-1274 (RMU) (pension plan permitted Union to make contributions on more favorable basis than other employers; Union agreed to modify contribution practices); *Warner v. Foremost Designers Ltd.*, No. 00 CV 5466 (KMW) (plan impermissibly eliminated lump sum benefit; settled for full lump sum); *Legreid v. Tausend*, No. 94 CV 4823 (S.D.N.Y.) (conversion of profit sharing plan to ESOP for less than "adequate consideration"; \$622,000 class action settlement); *Miller v. Pacific Lumber Company*, No. C-89-3500-CW (N.D.Cal.) (improper selection of annuity provider; \$7,000,000 class action settlement); *Gruby v. Brady*, 92 CV 3888 (SWK) (S.D.N.Y.) (financially insupportable benefit increase resulting in subsequent substantial decrease in benefits; class action settlement valued at \$30 million); *In re Masters, Mates & Pilots Pension Plan and IRAP Litigation*, Lead File No. 85 CV 9545 (VLB) (S.D.N.Y.) (improper selection and monitoring of investment manager; \$28 million dollar class action settlement); *Fase v. Seafarers Welfare and Pension Plan*, 432 F.Supp. 1037 (E.D.N.Y. 1977), appeal dismissed 574 F.2d 72 (2d Cir. 1978) (improper denial of retroactive disability pension benefits; summary judgment granted to plaintiff); *Connolly v. Pension Benefit Guaranty Corporation*, 581 F.2d 729 (9th Cir. 1978) (amicus curiae), cert. den'd 440 U.S. 935 (1979) (issue was correct interpretation of the definitions of "defined benefit plan" and defined contribution plan"); *Pernelli v. Local 58 Candy and Confectionary Union and Industry Pension Fund*, 478 F.Supp. 26 (1979) (issue of plan interpretation; summary judgment granted to plaintiff); *In re Marsh*, 12 E.B.C. 1966, 1990 U.S. Dist. Lexis 5920, No. 90 CV 1716 (KTD) (S.D.N.Y. 5/16/90) (proceeding commenced in state court concerning proper beneficiary of a death benefit was removed to federal court; motion to remand denied); *Watson et al. v. Horn & Hardart Company Pension Plan*, 77 CV 3686 (CES) (issue of plan interpretation; class action settlement valued at over \$1,000,000).

LECTURES, CONFERENCES AND TESTIMONY

Lectures and participation in conferences on ERISA and employee benefits litigation throughout the country under the auspices of various organizations including the American Bar Association, the New York State Bar Association, the Association of the Bar of the City of New York, the Practicing Law Institute, Legalworks and the Pension Rights Center; Lectures on ERISA and employee benefits litigation at New York University School of Law, Saint John's University School of Law and Rutgers University; Testimony before Congress on proposed amendments to ERISA and participation in New York State Attorney General's hearings on protection of pension benefits

MEMBERSHIPS

Association of the Bar of the City of New York: 1976 - present

Committee on Employee Benefits: 2002 - 2005; 1996 - 1999
and 1993 - 1996

Committee on Legal Problems of the Aging (Chair:
Subcommittee on Pension and Welfare Benefit Plans): 1985 - 1988
American Bar Association: 1990 - present

American Bar Association

Section on Labor and Employment Law, Employee Benefits Committee (Co-
chair: Subcommittee on Fiduciary Responsibility: 1998 - present; Co-chair:
Subcommittee on Reporting and Disclosure: 1997 -1998; Co-chair:
Subcommittee on ERISA Preemption: 1996 - 1997)

International Foundation of Employee Benefit Plans: 1994 - 2003

PUBLICATIONS

Chapter Editor, Employee Benefits Law (BNA), chapter 10, "Fiduciary Responsibility,"
1998 - present

Aspects of Federal Jurisdiction Under Sections 302(c)(5) and 302(e) of The Taft - Hartley Act -
The "Sole and Exclusive Benefit Requirement." 4 Texas Southern University Law Review 1
(1976)

What Do You Get With The Gold Watch? An Analysis of the Employee Retirement Income
Security Act of 1974. 17 Arizona Law Review 426 (1975)

OTHER

Special Master: *Hirt v. The Equitable Retirement Plan*, 01 Civ. 7920 (AKH) (SDNY)
(appointed by Judge Hellerstein to write a Report and Recommendation on an issue concerning
class certification)

American College of Employee Benefits Counsel, Charter Fellow: 2000 - present

Laboratory For Icon and Idiom, Inc. (not-for-profit film production company), Member, Board
of Directors: 1985 - present

Mabou Mines Experimental Theatre Company (not-for-profit theatrical production company),
Member, Board of Directors: 1990 - present (Chair since 1991)

BAR ADMISSIONS

New York State: 1973

United States Supreme Court, United States Courts of Appeal for the Second, Seventh, Ninth and District of Columbia Circuits, United States District Courts for the Southern, Eastern, Western and Northern Districts of New York

EDUCATION

New York University School of Law: J.D. 1972
Journal of International Law & Politics: Staff Member

Rutgers University, New Brunswick, N.J.: B.A. 1969, Major: Mathematics